

REMARKS

In the above-referenced Office Action the Examiner objected to the specification in that it failed to provide, in the Examiner's opinion, a detect circuit as part of the second circuit. In answer thereto, the Examiner's attention is directed to the instance specification on page 3, and reference number 102 which is the phase detection use circuit IC or for short, a detect circuit. As described in the instant claim the second circuit system is the radio circuit system which is shown in figure 4 and in the synthesis circuit figure 6. Figure 4 clearly shows reference number 102 as part of that circuit. Accordingly, reconsideration and withdrawal of this objection is requested.

The Examiner also objected to two informalities in claim 2, and by this amendment Applicant has adopted the Examiner's proposed language. Accordingly, reconsideration and withdrawal of this objection is requested.

In the above-referenced Office Action the Examiner rejected the claim under 35 U.S.C. 103 on a combination of the Andrea et al. patent and the Borchardt et al. patent. The Examiner indicated that Andrea shows the features of the instant invention with the exception of a radio circuit system. The Examiner relies upon the Borchardt reference for teaching such a system.

It is requested that this rejection be reconsidered and withdrawn for the following reasons:

The Borchardt et al. patent is directed to a wireless radio system not dissimilar to Applicant's U.S. Patent RE 37,884. The Borchardt et al. patent makes no mention of any anti-noise capability or coupling any additional circuits to the radio circuit described.

With reference to the Andrea et al. patent, this patent is directed to an anti-noise circuit, but as the Examiner indicates the patent does not describe or teach the addition of a radio circuit, or for that matter an integrated headphone device which combines an anti-noise circuit system, a radio circuit system, and sound collection circuit system.

In fact, the patent is directed to an open loop reduction apparatus rather than a closed loop reduction apparatus. See column 8, lines 50-53.

Most importantly, however, at column 9, lines 13-21 this patent specifies as follows:

The active noise-reduction apparatus as well as the noise cancellation apparatus can be used in any telecommunication systems that are used in flight (e.g., helicopter or airplane) or in other settings such as telephones, or voice recognition and/or verification systems for instance, for access to a physical facility or to a computer (either via direct or indirect interface or via telephone lines) or to an automatic teller machine or, in other recognition and /or verification systems.

To this end, the embodiments described include a telephone, and a boom microphone. See figures 6 A-C.

Therefore there is no teaching in the Andrea et al. patent for adding a radio circuit to the telephone or boom microphone embodiments described, or in fact to provide an integrated 3 circuit system as described in the instant invention.

Therefore, it is respectfully submitted that one of ordinary skill in the art would not have found a teaching in Andrea et al. to add a radio circuit, or in Borchardt et al. to add an anti-noise circuit. The Examiner is merely extracting bits and pieces from the prior art without a teaching for the combination. In fact it is noted by the Examiner column 35 first full paragraph, the patent describes a number of systems within which the

invention can function in addition to telephone handsets and boom microphones, and there is no identification of any radio circuit system in this paragraph.

While claim 1 has been amended to incorporate the suggested changes by the Examiner, the last paragraph has also been amended to clarify that the demodulator circuit from second circuit system and the other input terminal from the third circuit system are coupled to the phased detecting use circuits and to the speakers to provide the integrated three-in-one system of this invention.

Accordingly applicant considers this case in condition for allowance and an early notice thereof is requested.

Respectfully submitted,



Donald C. Casey
Registration No. 24,022

311 N. Washington Street
Suite 100
Alexandria, Virginia 22314
(703) 548-2131 DCC:nwl
Date: May 20, 2004

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

on

May 23, 2004

NWCasey